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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/744,426      | 01/22/2001  | Masaaki Fukumoto     | 9683/76             | 5660             |

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| EXAMINER |
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TRAN, TUAN A

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| ART UNIT | PAPER NUMBER |
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2618

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/744,426 | <b>Applicant(s)</b><br>FUKUMOTO ET AL. |  |
|                              | <b>Examiner</b><br>Tuan A. Tran      | <b>Art Unit</b><br>2682                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) 60-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 42, 43, 45-48, 50, 51 and 53-58 is/are rejected.
- 7) ☒ Claim(s) 21-41, 44, 49 and 52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I (claims 1-59) in the reply filed on 01/03/2006 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-20, 42-43, 45-48, 50-51, 53 and 58 are rejected under 35

U.S.C. 102(b) as being anticipated by Kikinis et al. (5,689,654).

Regarding claim 1, Kikinis discloses a wireless telecommunication unit (See fig. 3) comprising: a wireless telecommunication means 19 for wireless telecommunication with the outside, possessing an identification number for wireless telecommunications; a memory means 13; and a microcontroller 11 to control the wireless telecommunication means 19 and the memory means 13, the microcontroller 11 comprising: a means for performing a control for an external unit 172 to implement wireless telecommunications with the outside by the wireless telecommunication means 19 when the microcontroller 11 is connected to the external unit 172; a means for performing a control for the external unit 172 to use the memory means 13 as a file system of a specified operating

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system when the microcontroller 11 is connected to the external unit 172; and a means for performing a control for the wireless telecommunication means 19 to carry out telecommunications using the memory means 13 in accordance with instructions from the external unit 172 or the microcontroller 11 (See figs. 3, 5-7 and col. 7 lines 41-62, col. 10 line 48 to col. 11 line 67, col. 18 lines 2-3).

Regarding claims 3-4, Kikinis discloses as cited in claim 1. Kikinis further discloses the microcontroller 11 is provided with a control means for the wireless telecommunication means 19 to carry out calling by using address data recorded in the memory means 13 based on instruction from the connected external unit (See col. 16 lines 19-42, col. 18 lines 2-3).

Regarding claims 5-6, Kikinis discloses as cited in claim 1. Kikinis further discloses the microcontroller 11 is provided with a control means for storing received data of the wireless telecommunication means 19 in the memory means 13 (See col. 17 lines 51).

Regarding claims 7-10, Kikinis discloses as cited in claim 1. Kikinis further discloses when connected to the external unit, the microcontroller 11, the wireless telecommunication means 19 and the memory means 13 operate as multifunction PC card having a function of modem (See col. 8 lines 7-20, col. 10 lines 48-55, col. 18 lines 2-3).

Regarding claims 11-12, Kikinis discloses as cited in claim 9. Kikinis further discloses the microcontroller 11 is provided with writing/reading means for writing data to or reading data from the memory means 13 that function as an AFA flash disk

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according to commands from the wireless telecommunication means 19 functioning as a standard modem wherein the commands are expanded AT commands (See col. 7 lines 41-53, col. 18 line 2-3).

Regarding claim 13, Kikinis discloses as cited in claim 1. Kikinis further discloses the wireless telecommunication means 19 and the memory means 13 are able to operate in a plurality of operating modes, and the wireless telecommunication means 19 comprises a switching means for switching the operating modes (See col. 17 line 53 to col. 18 line 3).

Regarding claims 14-15, Kikinis discloses as cited in claim 1. Kikinis further discloses an identification memory means for storing identification numbers being able to attach to or detach from the wireless telecommunication unit (See col. 9 lines 4-6).

Regarding claims 16-17, Kikinis discloses as cited in claim 1. Kikinis further discloses the microcontroller 11 has an audio and data interfaces<sup>14</sup> that exchange audio and data with the external unit (See fig. 3 and col. 8 lines 7-20, col. 15 line 66 to col. 16 line 17).

Regarding claim 18, Kikinis discloses as cited in claim 1. Kikinis further discloses a battery 15 that supplies power to the wireless telecommunication means 19 and the memory means 13 (See fig. 3).

Regarding claim 19, Kikinis discloses as cited in claim 1. Kikinis further discloses the memory means 13 records programs corresponding to at least one external unit, and the microcontroller 11 reads the programs corresponding to the at least external

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unit from the memory means 13 and supplies them to the at least external unit when connected to the at least external unit (See col. 8 line 63 to col. 9 line 6).

Regarding claim 20, Kikinis discloses as cited in claim 19. Kikinis further discloses an external unit identification means for identify connected external unit (See fig. 5 and col. 10 lines 48-63).

Regarding claims 42-43, 45-48, 50-51 and 53, Kikinis discloses as cited in claim 1. Kikinis further discloses the microcontroller 11 is provided with an installation detection means for detecting the installation of the external unit and an authentication control means so that when a user's input data is written to a write-only area from the external unit, the input data and stored registered data undergo authentication processing to determined whether or not they satisfy a predetermined relationship, the authentication control means allowing the access to a general-use memory unit from the external unit only in the cases where they are determined to satisfy the predetermined relationship, wherein the input data and the stored registered data are password (See figs. 5-7 and col. 10 line 48 to col. 13 line 27).

Regarding claims 58-59, Kikinis discloses as cited in claim 1. Kikinis further discloses the microcontroller 11 comprises a channel connection means for establishing a channel connecting the wireless telecommunication unit and remote server in accordance with the wireless telecommunication means 19, using the identification number and a control means for transmitting data that requires confidentiality using the channel and a session key (See col. 13 line 44 to col. 15 line 20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. (5,689,654) in view of Kaplan et al. (5,970,405).

Regarding claims 2 and 54-57, Kikinis discloses as cited in claim 1. Kikinis does not mention that the wireless telecommunication unit comprises a bio-data detection means for detecting bio-data of a user when the user hold a housing of the wireless telecommunication unit and an authentication means that authenticates whether or not the user is an authorized user and puts the wireless telecommunication unit in operation mode if the user is the authorized user. Kaplan teaches a wireless telecommunication device (See fig. 4) that comprises a bio-data detection means 116 for detecting bio-data of a user when the user hold a housing of the wireless telecommunication device and an authentication means that authenticates whether or not the user is an authorized user and puts the wireless telecommunication device in operation mode if the user is the authorized user (See figs 4-5 and col. 10 line 48 to col. 11 line 45). Since both Kikinis and Kaplan teach about wireless telecommunication devices; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching's of Kaplan in modifying the device as disclosed by Kikinis with the

bio-data detection means for the advantage of preventing unauthorized use of the device.

***Allowable Subject Matter***

3. Claims 21-41, 44, 49 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 21-29, Kikinis discloses as cited in claim 1. However, Kikinis does not mention that the microcontroller is provided with a delegation request means that requests at least a partial delegation of the data processing to the specified operating system of the external unit connected to the microcontroller (See Specification, pages 59-60).

Regarding claims 30-38, Kikinis discloses as cited in claim 1. However, Kikinis does not mention that the microcontroller is provided with a received data replay control means that controls the reception operation and the replay operation according to the type of received data and the connection status of the external unit, when data is received (See Specification, pages 67-69).

Regarding claims 39-41, Kikinis discloses as cited in claim 1. However, Kikinis does not mention that the microcontroller is provided with a relay control means for controlling the relay of data telecommunications between another wireless telecommunication unit and a remote station on the wide-area wireless



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telecommunications using the wireless telecommunication means and a short distance wireless telecommunication means (See Specification, pages 93-94).

Regarding claims 44, 49 and 52, Kikinis discloses as cited in claim 42. However, Kikinis does not mention that the wireless telecommunication unit is provided with a log in detection means for detecting user log in to the external unit (See Specification, pages 137-138).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gibbs et al. (6,278,706) ; Hutchison et al. (6,725,061) ; Wilska et al. (6,427,078); Miller et al. (6,845,249).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuan Tran



Matthew D. Anderson  
SPE - 2618